

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 G. MICHAEL GERMAN  
Deputy Attorney General, SBN 103312  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2617  
Facsimile: (619) 645-2061  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-458

12 LUCY M. DARLING  
13 aka LUCY MARY MINTON  
14 aka LUCY M. MINTON  
15 aka LUCY M. SCHWARTZER  
75306 Stardust Lane  
Indian Wells, CA 92210

**A C C U S A T I O N**

16 Registered Nurse License No. 548575

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about October 5, 1998, the Board of Registered Nursing issued Registered  
24 Nurse License Number 548575 to Lucy M. Darling, aka Lucy Mary Minton, aka Lucy M.  
25 Minton, aka Lucy M. Schwartzter (Respondent). The Registered Nurse License was in full force  
26 and effect at all times relevant to the charges brought herein, and will expire on September 30,  
27 2010, unless renewed.  
28

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 475 of the Code states in relevant part:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

....

(2) Conviction of a crime.

....

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is

substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 2052 of the Code states in relevant part

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

10. Section 2725 of the Code states in relevant part:

(a) In amending this section at the 1973-74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973-74 session to provide clear legal authority for functions and procedures that have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems that provide for collaboration between physicians and registered nurses. These organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services. . . .

(b) The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following:

....

(2) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code.

11. Section 2725.1 of the Code states:

Notwithstanding any other provision of law, a registered nurse may dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a licensed clinic as defined in paragraphs (1) and (2) of subdivision (a) of Section 1204 of, or within a clinic as defined in subdivision (b) or (c) of Section 1206, of the Health and Safety Code.

No clinic shall employ a registered nurse to perform dispensing duties exclusively. No registered nurse shall dispense drugs in a pharmacy, keep a pharmacy, open shop, or drugstore for the retailing of drugs or poisons. No registered nurse shall compound drugs. Dispensing of drugs by a registered nurse, except a certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51 or a nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, shall not include substances included in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code). Nothing in this section shall exempt a clinic from the provisions of Article 13 (commencing with Section 4180) of Chapter 9.

12. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence or gross negligence in carrying out usual certified or licensed nursing functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event the record of conviction shall be conclusive evidence thereof.

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

13. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

....

### REGULATORY PROVISIONS

14. California Code of Regulations, title 16, (Regulations) section 1442, states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

15. Regulations, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

16. Regulations, section 1445, states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds

for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

### **COST RECOVERY**

17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **DRUGS**

18. Botox, Restylane, and Silkon 1000 are dangerous drugs that can be dispensed only upon a prescription pursuant to Code section 4022. Botox (*Botulinum* Toxin Type A) - Botox Cosmetic is a purified protein produced by the *Clostridium botulinum* bacterium, which reduces the activity of the muscles that cause frown lines between the brows to form over time when injected under the skin. Restylane is composed of non-animal stabilized hyaluronic acid. Hyaluronic acid is a substance found naturally in the human body. Restylane is injected using a fine needle into the dermis below the wrinkle and lifts the wrinkle out to the desired correction.

1 Silikon 1000, is a trade name for 1000 centistoke liquid silicone, an injectable silicone oil  
2 approved by the FDA for use by physicians in treating detached retinas by intraocular injection,  
3 which is used off-label as a permanent soft-tissue filler for facial rejuvenation.

#### 4 **FACTS**

5 19. On October 25, 2006, the Board received an anonymous complaint from a  
6 practicing cosmetic physician in the Coachella Valley advising that Respondent was practicing  
7 medicine without a license. Respondent advertised her practice, "Lips By Lucy," located at 73-  
8 121 Fred Waring Drive, Suite 103, Palm Desert, CA 92260, in local papers, mailers, and  
9 billboards, but those ads made no mention of a medical director. Respondent's Internet web  
10 page, www.LipsByLucy.com, mentioned Respondent was professionally affiliated with a board-  
11 certified cosmetic surgeon, M.R., but the complaint alleged that Respondent's medical director  
12 did not wholly own the business she allegedly directed, had her practice up for sale, was mainly  
13 out of reach on the East Coast, and that the only person who owned and profited from "Lips by  
14 Lucy" was Respondent.

15 20. The physician alleged in the complaint that one of his recent patients was unhappy  
16 with her lips after receiving silicone injections from Respondent, and that no physician was  
17 present on the premises when that procedure was done. When the patient complained to  
18 Respondent, Respondent told her, "Don't worry, the silicone will be gone in three years."  
19 However, silicone is permanent. The complaint also alleged that Respondent injected Silikon  
20 1000 "all over" patients' faces.

21 21. On May 1, 2007, Respondent met with the Board's investigator at her medical  
22 office, which was also the medical office of M.R., with whom Respondent claimed a professional  
23 affiliation. Respondent stated that M.R. was working full time but was eventually going to retire,  
24 and M.R. owned the practice and all its equipment. Respondent stated that patients pay M.R. or  
25 Personal Best, the name of M.R.'s practice, for Respondent's services. Respondent stated that  
26 M.R. was usually in the office, unless she was at one of the local hospitals where she had  
27 privileges. Respondent provided the investigator with a copy of her local ad, a typed flyer  
28 describing Silikon 1000, a Silikon 1000 injection consent form, and a table of the descriptions of

1 various filler/collagen injectables. Respondent acknowledged the necessity of being under the  
2 supervision of a doctor and the patients' having to be examined by the doctor. She stated that she  
3 continued to follow the Nursing Practices Act and the Business and Professions Code as she has  
4 always done.

5 22. On May 2, 2007, another Coachella Valley physician, M.D., telephoned the  
6 Board's investigator and informed him that he had received Botox shots from Respondent and has  
7 recommended that his mother go to Respondent. He also confirmed that M.R. did travel back  
8 east from time to time.

9 23. On November 2, 2007, the Board received a second anonymous complaint dated  
10 October 15, 2007 from a nurse practitioner in Indio, whom Respondent told that she has her own  
11 practice, that M.R. only examines about 10% of Respondent's patients, that Respondent can treat  
12 any patient she wants with collagen and Botox, that M.R. never even meets the patients, and that  
13 M.R. practices in another state and is rarely in the same state when Respondent treats both new  
14 and old patients. The complaint also enclosed a copy of a "Lips by Lucy" ad from an unknown  
15 newspaper dated October 14, 2007, which offered Restylane, Thermage, and Botox along with  
16 other cosmetic medical treatment and which named M.R. as the medical director for Respondent.

17 24. On November 20, 2007, the Board's investigator interviewed M.R. at her Palm  
18 Desert office. M.R. stated that Respondent had been working in her office since June 2005, and  
19 rented space from her, but was not her employee and was not paid any wages by M.R. M.R.  
20 stated that Respondent owned and operated "Lips by Lucy," but that the injectables (Botox,  
21 Restylane) were ordered under her license, though Respondent paid for them by credit card. M.R.  
22 stated that most of the equipment and furniture in the office, including the room rented by  
23 Respondent, belonged to M.R. She described a financial arrangement with Respondent  
24 concerning use of the Thermage machine, in which M.R. received 80% of Thermage billings.  
25 M.R. stated that when patients call for an appointment with Respondent, they call Respondent's  
26 office number, not M.R.'s; that patients paid Respondent directly; and that M.R.'s practice was  
27 for sale and as soon as it sold, she would be moving to Pennsylvania, where she is licensed.  
28



1           25.     On June 1, 2005, a written Agreement was entered into between M.R., and  
2 Respondent, dba Lips By Lucy, which granted Respondent the right to use and occupy the Palm  
3 Desert office as an independent contractor under M.R.'s supervision. The Agreement provided  
4 that Respondent was not an employee of M.R., or of her business, Personal Best. The initial term  
5 of the Agreement was six months, and it was last renewed on June 1, 2007. Under its terms,  
6 Respondent paid rent on the first of each month, M.R. would order supplies and medications for  
7 Respondent as needed, and upon their receipt, Respondent would reimburse M.R. for the cost of  
8 the supplies. Respondent was allowed use of the entire office, except for certain specified times,  
9 and was responsible for property insurance and for her own telephone line. Respondent and M.R.  
10 split common expenses such as water, gas, electricity, and garbage pickup and disposal. Any  
11 advertisement mentioning M.R. or Personal Best was to be approved by M.R., although M.R.  
12 stated that Respondent failed to secure her approval on such advertising.

13           26.     The Agreement directed that before Respondent provided services to a patient, she  
14 was to have the patient sign a written consent acknowledging that M.R. has no control over  
15 Respondent, that M.R. shall not be liable for any damages incurred from any services provided by  
16 Respondent, and that the patient is aware of and consents to the use of any medications or  
17 injectable materials which are not approved by the Food and Drug Administration.

18           27.     M.R. prepared a Notice of Termination on September 25, 2007, which she hand  
19 delivered to Respondent the following day, informing Respondent that their Agreement dated  
20 June 1, 2007 would be terminated effective December 1, 2007.

21           28.     Respondent subsequently entered into another such agreement with another  
22 physician, S.G., for facilities located at 44-300 Monterey Ave., Suite B, Palm Desert, CA 92260,  
23 beginning on March 1, 2008, and ending on March 1, 2009. Respondent would receive  
24 commission on treatments performed, reimburse S.G. for supplies, and be responsible for the  
25 proper disposal of all biohazardous supplies.     e

26           29.     As of June 10, 2008, the "Lips by Lucy" website showed two locations: 44-300  
27 Monterey Ave., Palm Desert, CA 92260, and 73-780 El Paseo, Palm Desert, CA 92260. Two  
28 City of Palm Desert business certificates were found for Respondent's businesses:

1 Certificate #07-00031820, for Looks by Lucy at 44-300 Monterey Ave.,  
2 B, Palm Desert, the listed owner was Looks by Lucy, expiration date January 14,  
3 2008. The Monterey Ave. business was described as "Misc. service."

4 Certificate #07-00043171, for Looks by Lucy at 73-780 El Paseo, Palm  
5 Desert, the listed owner was Lips by Lucy, expiration date February 27, 2008. The  
6 business was described as "misc. service – fillers/botox/hair removal."

7 30. A Statement of Information from the office of the California Secretary of State  
8 dated October 17, 2008, showed that Lips by Lucy, Inc. was a corporation wholly owned by  
9 Respondent, with its principal business office at 73-780 El Paseo, Palm Desert. No physician or  
10 any other person is named as an officer of the corporation, or in any other capacity thereto.  
11 Contrary to the provisions of Code Section 2285, which requires a fictitious name permit when a  
12 physician uses any fictitious, false, or assumed name or any name other than his or her own, a  
13 search of the Medical Board of California's website revealed that neither of the above business  
14 locations had a fictitious name permit on file.

15 31. On August 7, 2008, Board investigators M.M. and T.K. conducted an undercover  
16 operation at Lips by Lucy, 73-780 El Paseo, Palm Desert, CA 92260. Under the name "Maria  
17 Torres," M.M. made an appointment for August 7, 2008 at 1330 hours. T.K. accompanied M.M.,  
18 but remained in the car to wait for M.M, who would instruct her to enter after she completed her  
19 appointment.

20 32. M.M arrived for her appointment at Lips by Lucy and was greeted by a woman at  
21 the front counter. The woman handed patient forms to M.M. for completion prior to being seen.  
22 After completing the forms, Respondent called her back to a small room where she was told to sit  
23 on the examination table. M.M. told Respondent that she was nervous as this was new to her.  
24 Respondent looked at M.M's eyes and lip, told her that she could put something into the area  
25 above her upper lip to get rid of the lines that were forming, and suggested Botox for the area  
26 around the eyes.

27 33. Respondent provided M.M with a flyer describing Silikon 1000, which would be  
28 used for the lip area. Respondent said that Silikon 1000 would cost \$400 and the Botox would  
cost \$250. Respondent offered M.M. a topical ointment and ice to numb the area. M.M. asked

1 Respondent if she could use the restroom, and then telephoned T.K., who instructed M.M. to use  
2 the ice only and decline the topical.

3 34. When M.M. returned to the examination room, Respondent told M.M. that she had  
4 to go to her other location on Monterey Avenue, because the product she wanted to use was there,  
5 but would be right back. Respondent returned about 15 minutes later and approached M.M. with  
6 a syringe with an exposed needle. M.M. then asked her to stop and identified herself as an  
7 investigator with the Division of Investigation.

8 35. M.M. asked for the syringe and cap, then telephoned T.K. and asked her to come  
9 in. T.K. entered the examination room and informed Respondent that she could not maintain  
10 ownership of the practice and that the documents previously provided by Respondent indicated  
11 that the business was technically hers and not owned by S.G. M.M. issued Citation No. D20833  
12 to Respondent for violation of Business and Professions Code Section 651(a) – False and  
13 Misleading Advertising; and Business and Professions Code Section 2052 – Practicing Medicine  
14 without a License.

#### 15 FIRST CAUSE FOR DISCIPLINE

##### 16 (Substantially Related Criminal Conviction)

17 36. Respondent has subjected her license to disciplinary action under sections 490 and  
18 2761, subdivision (f) of the Code in that she was convicted of a crime substantially related to the  
19 qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

20 a. On May 13, 2008, in a criminal proceeding entitled *People of the State of*  
21 *California v. Lucy Marye Minton aka Lucy Darling aka Lucy Schwartzer*, in Riverside Superior  
22 Court, case number INM196002, Respondent was convicted on her plea of guilty of violating  
23 Business and Professions Code section 2052, unlawful practice of medicine.

24 b. As a result of the conviction, on May 13, 2009, Respondent was sentenced to  
25 three years summary probation, one day in the County Jail, with credit for time served, to pay  
26 \$1,467.97 in fines and fees by July 1, 2009, and to obey all laws.

27 c. The facts that led to the conviction are those detailed in paragraphs 19 through  
28 35.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21  
22  
23  
24  
25  
26  
27  
28

22  
23  
24  
25  
26  
27  
28

23  
24  
25  
26  
27  
28

**(Unprofessional Conduct: Out-of-State Discipline)**

## PRAAYER

3. Taking such other and further action as deemed necessary and proper.

3/22/10

SD2009702471



# ALABAMA BOARD OF NURSING

RSA PLAZA, STE 250  
770 WASHINGTON AVE  
MONTGOMERY, AL 36104

N. GENELL LEE, MSN, RN, JD  
EXECUTIVE OFFICER

MAILING ADDRESS:  
P.O. Box 303900  
MONTGOMERY, AL 36130-3900

(334) 242-4060  
1-800-656-5318  
FAX (334) 242-4360

WWW.ABN.STATE.AL.US

## BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA )

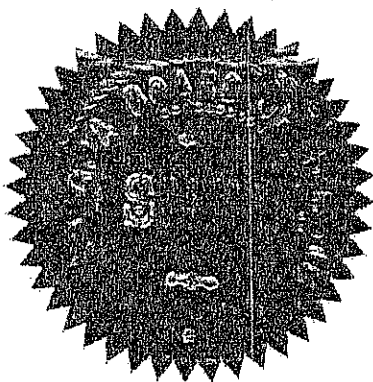
MONTGOMERY COUNTY )

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to **LUCY MARY DARLING SCHWARTZER** as it appears of record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery, County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

WITNESS my hand and seal of the Alabama Board of Nursing on this 13<sup>TH</sup> day of July 2009.

ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER



1

.)

1

13

1

## FINDINGS OF FACT

• **1**

91.

100-44361-100

1990

Respondent's failure to cooperate with the Arizona Board and repeated failure to respond to the Arizona Board staff's inquiries.

### CONCLUSIONS OF LAW

The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a Registered Nurse in the State of Alabama pursuant to the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code § 610-X-8-.03(1)(b);(6)(a)(b); (z).

### ORDER

Respondent's Alabama Registered Nurse License, No. 1-101073, is hereby disciplined pursuant to the following terms and conditions.

1. Public Reprimand

Respondent is issued a **PUBLIC REPRIMAND** from the Board for the conduct stated herein.

2. Fine

Respondent shall pay a fine in the amount of **\$300**. This fine must be paid within thirty (30) days of the effective date of this Order. Respondent understands that failure to pay the fine is cause for additional disciplinary action by the Board of Nursing.

3. Employment - Notification

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or



within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

4. Public Information

This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

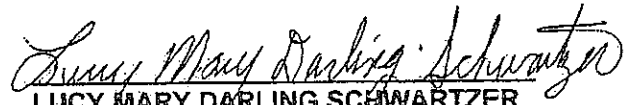
5. Effective Date

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

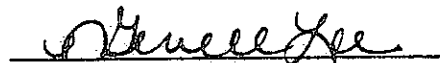
6. Final Order

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED on this the 9<sup>th</sup> day of May 2007

  
LUCY MARY DARLING SCHWARTZER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 13<sup>th</sup>  
day of July 2007.

  
N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER  
ALABAMA BOARD OF NURSING